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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CR 12-00526 PJH
)	
Plaintiff,)	[PROPOSED] ORDER OF DETENTION
)	
v.)	
)	
ANDRE GRIFFIN,)	
)	
Defendant.)	

On December 8, 2016, the defendant appeared at a detention hearing on the Form 12 filed on November 15, 2016. The government, represented by Special Assistant U.S. Attorney Erin Cornell on behalf of undersigned counsel, moved for detention. The Court has carefully considered the proffers of the government and the defendant's counsel, along with the information provided by the U.S. Probation Officer. For the reasons set forth below, as well as those stated on the record on December 8, 2016, the Court finds that the defendant has failed to meet his burden of showing that he will not pose a serious flight risk or a danger to the community by clear and convincing evidence. Therefore, the Court orders that the defendant be detained.

I. LEGAL STANDARD

Pursuant to Fed. R. Crim. P. 32.1(a)(6), for supervised release violation proceedings, the burden

1 rests with the defendant to show, by clear and convincing evidence, that he will not flee the jurisdiction
2 or pose a danger to the community.

3 **II. ANALYSIS**

4 For the reasons stated on the record on December 8, 2016, the Court finds that the defendant has
5 failed to meet his burden to show, by clear and convincing evidence, that he will not pose a serious
6 flight risk or a danger to the community. The Court notes that, because the crimes alleged in the Form
7 12 are felonies, there is a presumption that there are no condition or combination of condition that would
8 ensure the defendant's appearance in court or that he does not pose a danger to the community. The
9 defendant has not offered any new information to meet his burden or to overcome the presumption. His
10 conduct has demonstrated that he cannot or will not comply with the terms and conditions of his
11 supervised release, the instructions of his probation officer, or the orders of the Court.

12 **III. CONCLUSION**

13 For the reasons set forth herein, as well as those stated on the record on December 8, 2016, the
14 Court hereby finds that the defendant has failed to meet his burden to show, by clear and convincing
15 evidence, that he will not pose a serious flight risk or a danger to the community.

16 Therefore, the Court ORDERS that the defendant be detained.

17
18 IT IS SO ORDERED.

19
20 DATED: December 21, 2016


HONORABLE KANDIS A. WESTMORE
United States Magistrate Judge